

Amendments to the Drawings:

5 The attached two sheets of drawings includes changes to FIGS. 5 and 11(A), respectively. More particularly, FIG. 5 has been amended to show the “pore” 12, and FIG. 11(A) has been labeled as PRIOR ART. The two sheets, which include FIGS. 4 and 5 on one, and FIGS. 10, 11(A) and 11(B) on the other, replace the original sheets including FIGS. 4, 5, 10, 11(A) and 11(B).

Attachments: Two Replacement Sheets

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Remarks:

In the Office Action, the drawings were objected to under 37 C.F.R. 1.83(a), for failing to show a "pore" 12 in FIG. 5, and for not labeling FIG. 11(A) as PRIOR ART. Also, claim 11 was objected to as containing certain informalities. Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 1-10 were rejected under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103(a), as allegedly anticipated or unpatentable over Applicants' description of Japanese Laid-open No. Hei 3-85886 ("Hei 3-85886"), and Japanese Patent Application Laid-open No. Hei 9-86569 ("Hei 9-86569") in the Background of the application. Claims 11-20 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over a computer-translated copy of JP 06-305027 ("JP 06-305027").

In addition to the claim amendments discussed below, numerous claims have been amended to improve the grammar and readability of the claims, and to remove redundant or unnecessary text. These amendments do not relate to patentability.

The above-described objections and rejections are addressed as follows:

A) THE OFFICE ACTION IS INCOMPLETE

The Office Action did not contain an initialed copy of form PTO-1449 for the Information Disclosure Statement Mailed May 1, 2002. The references listed on that form PTO-1449 were used in the above-listed rejections. Applicants request a copy of the initialed form PTO-1449 be sent to Applicants' attorney.

B) OBJECTION TO THE DRAWINGS

Applicants have enclosed two replacement sheets having amended FIGS. 5 and 11(A), which comply with the cited objections. In particular, FIG. 5 has been amended to show the "pore" 12, and FIG. 11(A) has been labeled as PRIOR ART. No new matter has

been added to the application with this amendment. Applicants respectfully request the Examiner withdraw the Objections to the drawings.

5 **C) REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Applicants appreciate the Examiner's suggested corrections. Applicants have amended claims 1, 4, 5, 7, 10, 11, 16 and 20 in response to the rejections of claims 1-20 based on 35 U.S.C. § 112. In particular, claims 1, 4 and 11 have been amended to change the term "arranged over" and clarify the surfaces being discussed, claims 1, 4 and 5 have been amended to change "depth direction" to thickness direction" as suggested by the Examiner, and claims 7, 10, 16 and 20 have been amended to clarify the relationship of the elements. In light of these amendments, which address all issues raised by the Examiner, Applicants respectfully request the Examiner withdraw the rejections under 35 U.S.C. § 112 of claims 1-20.

D) THE PRESENT INVENTION

20 The present invention relates to a drip absorption mat to be laid under foods such as meat or fish which are apt to ooze liquids such as blood. The drip absorption mat comprises an absorption sheet configured to absorb the liquids, and a film having apertures.

25 Applicants have identified a relationship between the breathability of drip absorption mats and the color deterioration of the food. More to the point, Applicants have found that using a porous surface sheet that augments the breathability of the absorption sheet, in both the horizontal and depth directions, provides for improved color deterioration characteristics. The resulting drip absorption mat is preferably characterized by a ventilation resistance, in the thickness direction, that does not exceed 1.00 Kpa·s/m.

35 To augment the breathability, Applicants' porous surface sheet defines a hollow cavity between the absorption sheet and the porous surface sheet, and is configured to support a food item while maintaining the cavity. The cavity provides a passageway between the absorption sheet and the porous surface sheet for ventilation. The cavity is

developed by the surface sheet having a plurality of protrusions, each protrusion having a convex side that forms the hollow cavity adjacent the protrusion, and a concave side with a pore formed in the bottom of the concave side. As such, the protrusion forms a minute aperture that both maintains the cavity and provides for airflow between the hollow cavity and the food.

E) REJECTIONS OF CLAIMS 1-10 OVER THE CITED ART

i) Rejections Under § 102(b) or 103(a) Must Describe, Teach or Suggest Certain Claim Elements

Claims 1-10 were rejected as anticipated under 35 U.S.C. § 102(b), or in the alternative, as unpatentable under 35 U.S.C. § 103(a), over Applicants' description of Japanese Laid-open No. Hei 3-85886 ("Hei 3-85886"), and Japanese Patent Application Laid-open No. Hei 9-86569 ("Hei 9-86569") in the Background of the application.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See*, M.P.E.P. § 706.02, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. *See*, M.P.E.P. § 706.02(j).

As amended, independent claim 1 recites:

a porous surface sheet having a first side adjoining said absorption sheet and a second side configured to adjoin the food; wherein said drip absorption mat is configured to prevent color deterioration on a side of the food adjoining said porous surface sheet by augmenting the breathability of said absorption sheet in both the horizontal and depth directions. (emphasis added)

As amended, independent claim 4 recites:

a porous surface sheet having a first side adjoining the absorption sheet and a second side configured to adjoin the food, wherein the drip absorption mat is characterized by a ventilation resistance, in the thickness direction, that does not exceed 1.00 Kpa·s/m. (emphasis added)

To support a *prima facie* case of anticipation or obviousness, the cited references must describe, teach or suggest all the elements of the claims, including those highlighted above.

ii) Both Applicants' Background Description of Hei 3-85886 and Hei 9-86569, and the Cited Art, Fail to Describe, Teach or Suggest the Claim Elements

As pointed out in the Background section of the present application's specification, the cited art is designed to provide for a sufficient fluid flow rate from the food to the absorbent sheet. It is not designed to address the issue of color deterioration, and it does not suggest addressing the issue of ventilation of the food. In other words, it is designed to augment the movement of liquid, not the movement of air.

In the background of the invention, Applicants recite that prior tray mats are known to comprise a non-woven fabric with a film having apertures. In such a tray mat, the film is a plastic sheet provided with numerous apertures having a three-dimensional shape. The apertures provide for fluid to be absorbed into the absorption sheet, and thereby be separated from the food. However, the apertures, as described in the specification, and as described in the cited art, are not configured to augment breathability, such as by supporting a hollow cavity, and are not configured to provide a low level of ventilation resistance. Thus, both the description in the Background section, and the cited art, fail to describe, teach or suggest the claimed invention.

iii) The Assertions Regarding JP 06-305027 and Claims 1-7

While JP 06-305027 was not explicitly recited in the § 102(b) rejection (i.e., the first sentence of section 7 of the Office Action), Applicants note that it was referenced in discussing claims 1-7. More particularly, section 7 of the Office Action recites that "although JP '027 lacks express teachings of the breathability (or ventilation resistance) . . . it is believed that the porous absorption sheet is inherently breathable, and a suitable

breathability of the absorption sheet and an appropriate thickness of the non-woven, are either inherently disclosed, or an obvious optimization to one of ordinary skill in the art, motivated by the desire to obtain a sufficient drip flow rate and absorption capacity." (emphasis added)

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Absorbent materials are not necessarily breathable to a significant degree. To any extent that the absorbent sheets of the prior art are breathable, that breathability is not disclosed in the cited art.

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Moreover, the Office Action fails to identify any reference in the prior art suggesting that breathability should or even could be adjusted to obtain a sufficient drip flow rate and absorption capacity. Furthermore, the Examiner has failed to identify any reference in the prior art suggesting that optimizing drip flow rate and absorption capacity would lead to the claimed ventilation under the invention. The suggestion that such

15 "optimizations" to breathability would be made is entirely hindsight, as there is no suggestion to optimize breathability.

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Therefore, the claimed adjustment to breathability and the claimed ventilation resistance are not inherently disclosed, or an obvious optimization to one of ordinary skill

20 in the art.

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iv) The Assertions Regarding JP 06-305027 and Claims 8-10

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Section 7 of the Office Action recites that "[f]or claims 8-10, the apparent recitation of a method of using a plurality of drip absorption mats to build a stack in an article claim clearly fails to patentably distinguish the claimed invention."

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Claims 8-10 do not recite a method of using a plurality of drip absorption mats. Claim 8 (and thereby claims 9-10, which depend from claim 8) recites a structural limitation, i.e., that the ventilation resistance of the drip absorption mat does not exceed 0.20 Kpa·s/m. To clarify the use of the phrase "ventilation resistance" in these claims, claim 8 explicitly recites a definition of the phrase "ventilation resistance" in terms of steps that may be followed to measure ventilation resistance.

The cited art and the Background section of the specification fail to disclose a drip-absorption-mat ventilation resistance that does not exceed 0.20 Kpa·s/m.

5 v) The Office Action Fails to Establish a *Prima Facie* Case of Anticipation or Obviousness

Because the cited art fails to disclose, teach or suggest the features of independent claims 1 and 4, above, as highlighted in subsection (i) of this section, the Office Action fails to establish a *prima facie* case of either anticipation or obviousness. Dependent
10 claims 2, 3 and 5-10 incorporate the limitations of their respective independent claims. Accordingly, the rejections of claims 1-10 under 37 U.S.C. § 102(b), or in the alternative under § 103(a), are improper, and Applicants respectfully request they be withdrawn.

15 **F) REJECTIONS OF CLAIMS 11-20 OVER THE CITED ART**

 i) Rejections Under § 102(b) or 103(a) Must Describe, Teach or Suggest Certain Claim Elements

20 Claims 11-20 were rejected under 35 U.S.C. § 103(a), over a computer-translated copy of JP 06-305027 ("JP 06-305027").

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the
25 reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art and not based on an applicant's disclosure. *See*, M.P.E.P. § 706.02(j).

30 As amended, independent claim 11 recites:

a porous surface sheet having a first side adjoining the absorption sheet and a second side configured to adjoin the food, wherein the porous surface sheet comprises a film having a plurality of protrusions, each protrusion
35 having a convex side and a concave side, wherein a hollow cavity is formed adjacent the protrusion on the convex side, and wherein a pore is provided

at the bottom of the concave side such that the protrusion forms a minute aperture. (emphasis added)

5 ii) JP 06-305027, and the Background description of Hei 3-85886 and Hei 9-86569, Fail to Teach or Suggest the Claim Elements

As apparently acknowledged at the top of page 5 in the Office Action, the prior art shown in FIG. 11(A) (i.e., the art disclosed in the Background), fails to teach or suggest a cavity between the porous surface sheet and the absorption sheet.

10 JP 06-305027 teaches a nonwoven fabric with a resin sheet adhered thereto by fusion bonding, forming a hole in the nonwoven fabric. The Office Action suggests that this feature, combined with the disclosure of the Background section, discloses the Applicants' claimed invention, and that the suggestion to combine comes from a
15 motivation to reduce the material cost.

If the teachings of JP 06-305027 were applied to the art described in the background section, then presumably the Background section's disclosed porous sheet would become similarly bonded to its nonwoven fabric, forming a hole therein. The
20 combination of the these disclosures fails to disclose a hollow cavity formed adjacent a convex side of a protrusion.

Moreover, considering that the described references also depict a tapered hole (*see*, figures of Hei 9-086569) there is no suggestion in either reference to combine the
25 references.

iii) Additional Assertions

Regarding claims 11-20, the Office Action includes assertions similar to those
30 recited for claims 1-10. For the reasons described above, the claimed invention is not inherently disclosed, or an obvious optimization to one of ordinary skill in the art.

iv) The Office Action Fails to Establish a *Prima Facie* Case of Obviousness

Because the cited art fails to teach or suggest the features of independent claim 11, as highlighted in subsection (i) of this section, and because the Office Action fails to identify a teaching or suggestion to make the claimed combination, the Office Action fails to establish a *prima facie* case of obviousness. Dependent claims 12-20 incorporate the limitations of claim 11. Accordingly, the rejection of claims 11-20 under 37 U.S.C. § 103(a), is improper, and Applicants respectfully request it be withdrawn.

G) CONCLUSION

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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